UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/AC.237/33
9 July 1993

Original: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Eighth session
Geneva, 16-27 August 1993
Item 2 of the provisional agenda

MATTERS RELATING TO COMMITMENTS

REVIEW OF INFORMATION BY THE CONFERENCE OF THE PARTIES: THE ROLES OF THE SUBSIDIARY BODIES ESTABLISHED BY THE CONVENTION

Note by the secretariat

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GE.93-61529

I. INTRODUCTION

1. The Committee, at its seventh session, requested Working Group I to consider, as appropriate, the roles of the subsidiary bodies established by the Convention when dealing with matters relating to commitments (A/AC.237/31, para. 50).

2. The present note is intended as a background to the Committee's discussions. It focuses on the roles of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI) in relation to the consideration of scientific and technical information by the Conference of the Parties (COP). In this context, the note analyses relevant linkages between the COP and these subsidiary bodies, as well as between these two bodies. Appropriate references to the roles of these subsidiary bodies are also made in the secretariat's documentation on the specific agenda items before Working Group I (A/AC.237/34, A/AC.237/35 and A/AC.237/36). The terms of reference of these bodies are reproduced in annex I.

3. Article 7.2(i) allows for the possibility of additional subsidiary bodies by providing that the COP may "establish such subsidiary bodies as are deemed necessary for the implementation of the Convention". This possibility is not explored in the present note.

4. In support of this note, information is provided in annex II on the treatment of scientific and technical information under the Montreal Protocol on Substances that Deplete the Ozone Layer, and on the Intergovernmental Panel on Climate Change (IPCC), established by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP). The process under the Montreal Protocol is considered to be a relevant example; the IPCC is named in the Convention as a source of scientific and technical advice in the context of the interim arrangements. 1/

II. CONVENTION PROVISIONS RELATING TO SCIENTIFIC AND TECHNICAL INFORMATION

5. The Convention makes several references, outside the terms of reference of the two subsidiary bodies, to the need for information of a scientific and technical nature to guide the COP in taking appropriate decisions regarding the implementation of the Convention and its possible future development.

6. A general reference to such a need occurs in the Preamble, which notes the "many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof", and further recognizes that "steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas". General references also occur in other articles, for example, Article 4.1 and Article 7.

7. Article 4.2(c) refers specifically to the application of scientific knowledge to calculations of emissions by sources and removals by sinks of greenhouse gases, for purposes of communicating detailed information on the effects of measures taken in accordance with subparagraphs (a) and (b) of the same article by Parties included in Annex I. This subparagraph states that such calculations "should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change." The methodologies for these calculations will also constitute a scientific input.

8. A further specific reference to scientific input occurs in Article 4.2(d) which requests the COP at its first session (COP I) to review the adequacy of Article 4.2(a) and (b). Article 4.2(d) states that "such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information."

9. Finally, Article 21.2 mandates the head of the interim secretariat to "cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the need for objective scientific and technical advice", and provides that "other relevant scientific bodies could also be consulted."

III. THE ROLES OF THE SUBSIDIARY BODIES ESTABLISHED BY THE CONVENTION

10. From the above references, it appears that the negotiators of the Convention intended to base its future implementation and development, including that of any related instruments that might be agreed upon, on the best available understanding of climate change and its impacts, and on technical, social and economic information related to possible responses to climate change. Advice and recommendations by the subsidiary bodies, which are based on an evaluation of relevant scientific and technical information, will support the work of the COP and its decisions. Some ideas concerning the ways in which the two subsidiary bodies could provide such support to the COP are advanced in this section of the note. It is assumed throughout that the secretariat of the Convention will provide appropriate support and inputs to the subsidiary bodies in discharging their functions.

A. Subsidiary Body for Scientific and Technological Advice (SBSTA)

11. The SBSTA may assist the COP in its consideration of scientific and other information by examining such information and advising the COP how it relates to the implementation of the Convention and to the adequacy of its provisions. The COP could ask this body to formulate options for action by the COP, on the basis of information being reviewed. The SBSTA could also, under the guidance of the COP, formulate specific requests to be transmitted to competent scientific and technical bodies.

12. The SBSTA, in pursuance of Article 9.2(d), could also assist the COP in promoting the implementation of Article 5, on research and systematic observation, and Article 6, on education, training and public awareness.

B. Subsidiary Body for Implementation (SBI)

13. The role of the SBI is spelled out in Article 10 in relation to information communicated in accordance with Article 12.1 and 12.2. This body would seem to be most directly relevant to assisting the COP in carrying out the reviews called for in Article 4.2(b) and (d).

14. In this regard, the SBI might advise the secretariat how to compile and aggregate information communicated by the Parties on emissions and removals of greenhouse gases 2/ and on the effects of measures taken to reduce emissions or to enhance sinks of greenhouse gases. This advice would take into account information on methodologies provided through the SBSTA. A report containing such aggregated information would assist the SBI and the COP in the above-mentioned reviews. 3/

15. Moreover, the SBI could also advise on the treatment of confidential information in accordance with Article 12.9.

C. Linkages between SBSTA and SBI

16. Article 9.1 and 9.2(e) refers to a possible role for the SBSTA in providing advice to other subsidiary bodies of the Convention. Its relationship with the SBI needs to be considered carefully.

17. While Article 9.2(b) provides for the SBSTA to "prepare scientific assessments on the effects of measures taken in the implementation of the Convention", Article 10.2(a) provides for the SBI to "assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change". In order to avoid duplication, it may be considered that such scientific assessments should be provided to the SBI by the SBSTA.

18. Since it is unlikely that all States will be Parties by the time of COP I, and bearing in mind that developing country Parties will not be required to communicate information on emissions by that time, there will be a need for the SBI to estimate total global emissions. In this way, the COP will have as complete a perspective as possible for carrying out the review referred to in Article 4.2(d). Advice on technical options for such estimates will be needed for COP I and probably for subsequent sessions of the COP. Such advice may be provided by the SBSTA.

19. In considering the information communicated by developed country Parties in accordance with Article 12.2, the SBI might draw on the latest information regarding technologies for limiting emissions from sources or enhancing sinks of greenhouse gases and the relative feasibilities of such technologies in different circumstances, as provided through the assessments of the SBSTA.

D. Functions of the subsidiary bodies in relation to COP I

20. Most of the functions of the subsidiary bodies described above will be needed in relation to the reviews of communications and of the adequacy of commitments to be undertaken by COP I. It would also be useful for COP I to benefit from the advice of the SBSTA on the methodologies referred to in Article 4.2(c) and 4.2(d), as well as on the special report that the IPCC will prepare in 1994 for COP I and on the work of the IPCC leading to its Second

Assessment Report in 1995. Consequently, the Committee may wish to consider the best way of ensuring the performance of these functions of the subsidiary bodies in time to contribute to COP I. Different institutional options may be considered for this purpose under the auspices of the Committee or of the Convention.

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Notes

1/ Information on the Scientific and Technical Advisory Panel of the Global Environment Facility (GEF) is not included in annex II. It is currently expected that this body will be a source of general scientific and technical information related to the Convention. Its functions relating to the Convention are more likely to pertain to the approval of projects for funding under the GEF. For more information on the work of STAP, see document A/AC.237/26, para. 10, and Add. 1, sections B and D.

2/ Methodologies for inventories of emissions and removals are discussed in document A/AC.237/34.

3/ Preliminary thoughts on the design of the first review of information communicated by each Party in Annex I of the Convention are presented in document A/AC.237/36.

Annex I

TERMS OF REFERENCE OF THE SUBSIDIARY BODIES ESTABLISHED BY THE CONVENTION

Article 9

SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE

1. A subsidiary body for scientific and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely information and advice on scientific and technological matters relating to the Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, and drawing upon existing competent international bodies, this body shall:

(a) Provide assessments of the state of scientific knowledge relating to climate change and its effects;

(b) Prepare scientific assessments on the effects of measures taken in the implementation of the Convention;

(c) Identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies;

(d) Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity-building in developing countries; and

(e) Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions and terms of reference of this body may be further elaborated by the Conference of the Parties.

Article 10

SUBSIDIARY BODY FOR IMPLEMENTATION

1. A subsidiary body for implementation is hereby established to assist the Conference of the Parties in the assessment and review of the effective implementation of the Convention. This body shall be open to participation by all Parties and comprise government representatives who

are experts on matters related to climate change. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, this body shall:

(a) Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change;

(b) Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2(d); and

(c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

Annex II

NOTES ON THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER AND ON THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

A. The experience of the Montreal Protocol

1. A relevant example of the treatment of scientific and technical information is provided by the assessment process established under the Montreal Protocol on Substances that Deplete the Ozone Layer.

2. In this process, assessment panels prepare regular assessments on three areas related to depletion of the stratospheric ozone layer, namely, science, impacts, and technology and economics. These panels are open to participation by experts of all kinds, nominated by Parties or selected by the Co-Chairmen of the panels. Experts from industry and from environmental groups may be included; in fact, such non-governmental expertise is explicitly sought on questions of technology and economics.

3. A synthesis report then integrates the findings in the three areas mentioned above and translates these into policy issues. This synthesis report is prepared by governmental representatives or by the Co-Chairmen of the panels.

4. This report is then considered by an open-ended working group of technical and legal experts from the Parties as well as governmental and non-governmental observers; leading experts from the panels also participate. As a consequence of the recommendations by the working group, Parties to the Protocol may bring forward proposals for adjustment or amendment of the Protocol.

B. The role of the Intergovernmental Panel on Climate Change

5. The Preamble to the Convention refers to "valuable analytical work being conducted by many States on climate change and of the important contributions of the World Meteorological Organization, the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system, as well as other international and intergovernmental bodies, to the exchange of results of scientific research and the coordination of research". Further, as specified in Article 7.2(l), the Conference of the Parties will "seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies". As already noted, the SBSTA is to draw upon "existing competent international bodies" in its work. One such existing body is the IPCC, which, as stated in the introduction to this note, is explicitly mentioned in the context of the interim arrangements for the Convention. It may therefore be assumed that the IPCC will be a source of scientific and technical advice for COP I.

6. The IPCC was established in 1988 under the auspices of WMO and UNEP to provide assessments of the science and impacts of climate change and possible response strategies that

might be adopted by Governments, including legal agreements. The First Assessment Report of the IPCC was completed in August 1990 and provided a basis for the recommendations of the Second World Climate Conference in November 1990. It was taken into account by the United Nations General Assembly in adopting resolution 45/212 of 21 December 1990, which established the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change.

7. Participation in the IPCC is open to all States Members of the United Nations or of WMO, to relevant intergovernmental organizations and to a broad range of non-governmental representatives from industry, environmental groups and academic institutions that have expertise relevant to the work of the IPCC.

8. Since the establishment of the Committee, the IPCC has concentrated on scientific and technical questions (including technical aspects of economic questions). It has restructured its work programme accordingly. The three existing working groups of the IPCC deal with, respectively, science, impacts and response options, and the socio-economic aspects of mitigation and adaptation. These working groups are engaged in tasks that could provide appropriate background information to the COP, through the SBSTA, on the science and impacts of climate change, as well as technical and economic information on possible options to mitigate or to adapt to such climate change.

9. The Second Assessment Report of the IPCC is scheduled to be completed in September 1995, which will probably be too late for COP I. The IPCC has therefore decided to prepare a special report by autumn 1994 on a number of issues it considers of importance for COP I.

10. The Committee has not communicated specific requests for advice to the IPCC so far. In accordance with resolution 45/212 of the General Assembly and Article 21.2 of the Convention, the secretariat has maintained close contact with the IPCC. Recently, the Chairman of the IPCC and the Chairman of the Committee have exchanged letters (A/AC.237/29 and A/AC.237/30). The Chairman of the IPCC indicated the decision of the Panel to prepare by mid-1994, a special report on four scientific questions related to the short- and long-term effects of various substances on climate change, as well as on the Panel's current work on methodologies for the assessment of greenhouse gas sources and sinks. The latter will be of key importance to the COP in implementing Article 4.2(c) and Article 7.2(d). The Chairman of the Committee confirmed the importance of this work and requested the views of the IPCC on impacts of climate change and on the sensitivity of ecosystems to climate change, on scenarios of possible future emissions and removals of greenhouse gases, and on methodologies for the technical evaluation of information on measures to reduce emissions by sources or to enhance removals by sinks. This information is especially relevant to the implementation of Article 4.2(b) and (d), Article 12.1(a) and to the longer-term assessment of progress towards the objective of the Convention (Article 2).

11. The IPCC, at its ninth session, 29-30 June 1993, heard a statement by the Chairman of the Committee that, inter alia, explained his above-mentioned letter. The IPCC took these contributions by the Chairman of this Committee into account in reviewing its work plan. The Chairman of the IPCC will convey the detailed conclusions of the Panel in his statement to the eighth session of the Committee.